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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,286	03/25/2004	Chad Nelson	12477-016001	6038

26191 7590 12/04/2006

FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER
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WILSON, GREGORY A

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/809,286

Applicant(s)

NELSON ET AL.

Examiner

Gregory A. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Prosecution on the merits of this application is reopened on claims 21-26 considered unpatentable for the reasons indicated below:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Henning et al (5,947,812)**. **Henning** discloses an air return bulkhead (22) having a peripheral portion adapted to abut a wall of a trailer (SEE Figure 15), a panel (side walls 130) coupled to and offset the peripheral portion to define a plenum (air flow cavity) between the panel and the and also aids in maintaining the panel a distance from the wall, a strap system (252, 256) which is inherently releasably securing the peripheral portion in abutment with the wall therefore securing the bulkhead to the wall such that the bulkhead can be removed without the use of tools; tapered sections containing the openings further act as a filter to prevent debris from entering the cavity (SEE column 3, lines 62-64) wherein the filter is part of the return plenum area (SEE Figure 5) where air

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is drawn in and is slightly spaced from the lower edge of the panel. The airflow with is reduced as the flow moves from the lower portion of the bulkhead to the upper portion of the bulkhead as shown in Figures 10 and 16. Henning does not disclose that the bulkhead is secured to the wall in an elevated position above the floor of the trailer, however, the strap system of Henning provides structure capable of securing the bulkhead in an elevated position. Henning provides openings (34) which allow air to be drawn into the cavity. By having an elevated air return bulkhead, a larger flow of air is being provided wherein it is concluded that the entrainment of flow is a function of the cross-sectional area of the passage. This is recognized as a result effective variable, and would constitute an obvious design choice, since moving the bulkhead into a position to provide a larger volume of air would involve a mere rearrangement of the position of the bulkhead and involves only routine skill in the art. With regard to the applicants arguments that Henning does not teach "a lower panel portion that is wider than an upper panel portion such that the width of the plenum is greater proximal to the lower panel portion than the width of the plenum proximal to the upper panel portion" the examiner respectfully disagrees, since the applicant has not disclosed that having a bulkhead of this particular shape solves any stated problem or is for any particular purpose that is unobvious to one having ordinary skill in the art and such a modification would have involved a mere change in the size/shape of the component which is generally recognized as being within the level of ordinary skill in the art.

**Claims 23 & 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Henning (5,947,812)** in view of **Manfred (EP 1099598A2)**. **Henning et al** discloses the applicants primary inventive concept as stated above but does not specifically recite hook members. **Manfred** teaches that it is known to provide a removable bulkhead with hooks (3, 4) (SEE Figure 1). It would have been obvious to a person having ordinary skill in the art to which the subject matter pertains to provide the bulkhead of **Henning et al** with the hook members, as taught by **Manfred** for the purpose of providing a removable bulkhead which can be removed and reinstalled without the use of handheld tools. With regard to the hooks members being downwardly facing, this is not considered a patentable limitation since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

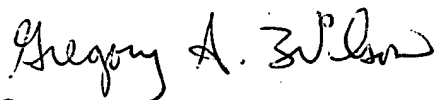
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah Cocks can be reached on (571) 272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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November 29, 2006